

**CARVER COUNTY PLANNING COMMISSION**  
**Regular Meeting – March 17, 2026**  
**Minutes**

**Members Present:** Matthew Kerber, Scott Wakefield, Scott Hoese, Andy Steinhagen, Joe Polunc, John P Fahey

**Members Late:** None

**Members Absent:** Greg Grazzini

**Staff Present:** Jason Mielke, Lauren Whetstone, Donovan Hart, Paul Moline, Kristen Larson

Pursuant to due call and published notice thereof, the March 17, 2026, regular meeting of the Carver County Planning Commission was called to order by Chairman Kerber at 7:00 p.m.

Chairman Kerber acknowledged six board members present with the absence of Greg Grazzini.

**Agenda** – A motion was made by Steinhagen to approve the agenda. Hoese seconded the motion. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried.

**Minutes** – A motion was made by Wakefield and seconded by Hoese to approve the minutes from the January 20, 2026, regular meeting. All voted aye. Motion carried.

**File #PZ20260001 – Joel Buttenhoff** – Chairman Kerber called the public hearing to order at 7:01 p.m. to consider a request by Joel Buttenhoff. The purpose of the public hearing was to consider a request to create three (3) residential High Amenity Lots pursuant to Chapter 152 of the County Zoning Code. The property is in Section 15 of Watertown Township.

The following were present: Joel Buttenhoff

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 6, 2026

Exhibit F – Staff Report addressed to the Planning Commission and Watertown Township dated March 5, 2026, and all attachments.

Whetstone stated the applicant owns an approximately 54.37-acre parcel in Section 15, Watertown Township, consisting of crop production land, wetlands, and wooded land. The applicant is pursuing approval to create three high amenity lots. The 2040 Comprehensive plan in the Watertown Township Chapter allows for additional residential density options, using Option 3 (High Amenity Lots) and Option 4 (Conservation Incentive). The proposed parcel configuration meets the requirements of no

more than three High Amenity Lots and no more than four homes per 40 acres. The parcel has had no previous CUP for which additional density was issued. The parcel has also been at least 40 acres in size as of July 1, 1974. The Sweet Farm Woods preliminary plat includes three residential lots, ranging in size from 10.26 acres to 19.33 acres. All lots meet the minimum lot size requirements of the Zoning Code. Mr. Battenhoff requests three additional residential lots using the High Amenity option. His letter refers to the Comprehensive Plan and identifies the northern portion of the property as the proposed location for the lots as it is heavily wooded and contains qualifying wetlands area to support three amenity lots. Each lot would access Oxford Ave using its own driveway. The Watertown Township Board will review the proposed driveway locations for approval during the preliminary plat process. Tim Sundby, Water Resources Supervisor, reviewed the submitted materials and provided comments in an email dated March 5, 2026: *"The applicant will need to provide an estimate of proposed impervious surfaces within the five created lots. This includes likely total home and driveway sq ft. If the impervious amount of all five lots is greater than one acre, or cumulative 10,000 square feet within a sensitive area (wetlands, shoreland), a stormwater permit will be required. The permit will need to provide a plan to treat stormwater for the entire plat to ensure that treatment will occur which meets County Ordinance Chapter 153. Conservation easements should be considered for any wooded areas that the applicant would like to preserve as a method for partially/fully meeting volume reduction requirements of a stormwater permit."* Mike Wanous, District Manager of Carver County Soil and Water Conservation District (SWCD), reviewed the submitted materials and sent an email stating he had no comments at this time. He noted that the SWCD will participate in additional review if the CCWMO Water Rules permits are required. Jacob McLain, Carver County Senior Environmentalist, acknowledged receipt of soil boring information which will need to be verified and approved prior to the plat approval. Taylor Huinker, MnDNR Area Hydrologist, reviewed the project materials and had no comments. The proposed materials were sent to the City of Watertown with no comments received to date. The Watertown Township Board reviewed the request at their February 2, 2026, meeting and recommended approval without any further comments. Whetstone read the proposed conditions for consideration if the request for three High Amenity lots is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the County Zoning Code should be clearly referenced.

Chairman Kerber asked the applicant for any additional comments.

Joel Battenhoff, 3215 Oxford Av, had no additional information or comments to add.

Chairman Kerber asked the applicant if has read and agrees with the proposed conditions.

Mr. Battenhoff stated he has read and agrees with the proposed conditions.

Chairman Kerber asked for comments from a Watertown Town Board member.

Scott Hoese, speaking as Watertown Township supervisor, confirmed the Township's recommendation for approval of the request without any further comments.

Chairman Kerber opened the public hearing for public comments.

No one was present for public comments on this request.

A motion was made by Fahey to close the public hearing. The motion was seconded by Steinhagen. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:06 p.m.

Steinhagen asked for clarification on the reference to creation of five lots in the statement received from Water Resources Supervisor, Tim Sundby.

Whetstone explained that the CUP is for the creation of three high amenity lots, and the property has two 'one per 40' building eligibilities available, which will be included in the plat of Sweet Woods Farm. Mr. Sundby's reference to the creation of five lots included the 'one per 40' eligibilities for which no CUP approval is needed.

Hoese made a motion to **approve and adopt Resolution #26-02** incorporating the findings of fact and staff recommendations allowing for creation of three residential high amenity lots. Wakefield seconded the motion for approval. All voted aye. Motion carried.

**File #PZ20260002 – Keelo Ohland** – Chairman Kerber called the public hearing to order at 7:09 p.m. to consider a request by Keelo Ohland. The purpose of the public hearing was to consider a request for a Contractor's Yard pursuant to Chapter 152 of the County Zoning Code. The property is in Section 25 of Hollywood Township.

The following were present: Keelo Ohland

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 5, 2026

Exhibit F – Staff Report addressed to the Planning Commission and Hollywood Township dated March 5, 2026, and all attachments.

Whetstone explained that the applicant, Keelo Ohland, owns an approximately seven-acre property, consisting of a five-acre and a two-acre parcel. It is improved with a house, detached garage and two commercial buildings and shed. The applicant is requesting an amendment to the existing CUP to expand the landscaping business currently on the property as a contractor's yard. In 2005, a CUP for a contractor's yard (PZ20050031) was issued on the property. The business has grown, and the outdoor storage areas have expanded beyond what was originally approved. Whetstone used an aerial photo of the property (October 2025) for illustration. The applicant is seeking a CUP amendment to bring the operation back into compliance. At the time of issuance, the operation consisted of six business-related vehicles and eight employees and additional temporary seasonal workers. The applicant's letter describes the current operation with eight employees and two summer workers, with two additional family members working for the business. The hours of operation are 6:30 AM to 6:30 PM, Monday through Friday. Currently, there are five business-related vehicles, three pickup trucks and two dump

trucks. There are approximately 25 trips daily to and from the site. Employee vehicles are parked on-site during operating hours in the existing parking lot, which contains approximately 20 spaces. She identified three buildings on the property and their size and business use and stated no new buildings are proposed with this request. The outdoor storage area will be incorporated into the official operation and any areas that extend over the property lines will be relocated onto the subject parcel. Outdoor storage includes landscape rock, boulders, black dirt, sand, trees, wood mulch, filter fabric, geo-grid, landscape edging, pavers, patio stone, concrete retaining wall products, drain tile, and silt fencing. An existing pine tree berm along the western property line aids in screening the operational area from public view. No retail sales or public access occurs on-site, aside from occasional customer visits to view available products. The applicant is proposing a 32-square foot sign to be located south of building #2 and outside of the road right-of-way. The Zoning Code requires a minimum lot size of five acres for a contractor's yard CUP; therefore, the two parcels must be combined as part of the CUP amendment. The southern part of the property lies within the Shoreland Overlay District. The applicant has agreed to and removed the 2,000 square foot parking area from the site plan in that area at staff's request. Abigail Ernst, Water Resources Program Analyst stated in an email dated February 25, 2026, that a Stormwater permit is required to provide stormwater treatment on the property due to the presence of more than one-acre of impervious surface. The site has expanded beyond the one-acre threshold of new impervious surfaces which includes the outside storage, buildings, and parking lot, since the Water Management Rules were adopted in 2002. Mike Wanous, SWCD District Manager, reviewed the application materials and stated in an email dated March 3, 2026, that he had no comments at this time. The SWCD will participate further if a Water Rules permit is required. Jacob McLain, Carver County Senior Environmentalist, reviewed the request and indicated that no compliance inspections are required because the house and business septic systems lie outside of the Shoreland District. Taylor Huinker, MnDNR Area Hydrologist, had no comments after reviewing the application materials. The request was sent to the City of Mayer for review and Nicholas Johnson, City Administrator, replied "given the location, the city has no opinion on the proposed CUP." Land Management staff had a telephone conversation with Thomas Luebke, property owner to the north of the subject parcel, who expressed he has no issues with the proposed CUP amendment and has had no issues with the property owner in the past. The Hollywood Town Board reviewed the request at their February 9, 2026, meeting and unanimously recommended approval with no additional comments. Whetstone read the proposed conditions for consideration if the request for expansion of the contractor's yard is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the County Zoning Code should be clearly referenced.

Keelo Ohland, 14730 Hwy 7, asked if she was required to combine the two parcels of land into one.

Mielke replied that combining the two parcels would be required in order to meet the minimum parcel size of at least five acres for operating a contractor's yard. He stated the parcel combination would need to be completed prior to recording the CUP amendment.

Chairman Kerber asked the applicant if she has read and agrees with the proposed conditions of the permit.

Ms. Ohland stated she does agree with the proposed conditions.

Chairman Kerber stated no one was present to represent the Hollywood Town board for comments but noted in the staff report that the Board had unanimously recommended approval of the request at their February 9, 2026, meeting.

Chairman Kerber opened the public hearing for public comments.

No one was present for public comments on this request.

A motion was made by Steinhagen to close the public hearing. The motion was seconded by Hoese. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:15 p.m.

Hoese stated he lives in the area and stated the site is a clean and well-run operation.

Wakefield made a motion to **approve and adopt Resolution #26-03** incorporating the findings of fact and staff recommendations allowing for a contractor's yard expansion amendment. Steinhagen seconded the motion for approval. All voted aye. Motion carried.

**File #PZ20260003 – Jeff Hoxie/Island View Golf Club** – Chairman Kerber called the public hearing to order at 7:17 p.m. to consider a request by Jeff Hoxie, representing Island View Country Club. The purpose of the public hearing was to consider a request for a Large-Scale Activity/Golf Course pursuant to Chapter 152 of the County Zoning Code. The property is in Sections 7 and 18 of Laketown Township.

The following were present: Jeff Hoxie, Allen Cole, Peter Parris

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated February 20, 2026

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated March 5, 2026, and all attachments.

Exhibit G – Laketown Township Resolution 2026-04

Hart stated Island View Golf Club is an 18-hole golf course, permitted by CUP #12496, located on approximately 148.44 acres of land in three parcels, with a combination clubhouse/pro shop, parking lot, and several large sheds for equipment storage, supplies, and repair activities. The applicant, Jeff Hoxie of Hoxie Homes, proposed to construct two small structures on the fairways, renovate several golf course fairway features, and update the existing permit to reflect operational changes that have occurred since the original CUP was approved in 2001. The proposed changes include extending daily operating hours, increasing the maximum number of employees, adding a bathroom to an existing building, constructing a new snack shop with restrooms, and allowing routine golf course maintenance and site improvements without requiring separate grading or filling permits from the Land Management Department. Watershed permitting would still apply.

Following is the list of proposed changes to the permit:

- *Renovate holes #4 and #8.*
- *Provide permanent bathrooms at two locations on the course to eliminate the use of portable bathrooms on the fairways. The proposed construction includes an approx. 578 square-foot combination snack shop/storm shelter with bathrooms and an approx. 128-foot square foot addition to an existing pumphouse.*
- *Establish the golf season to last from April 1<sup>st</sup> to November 1<sup>st</sup> (weather dependent).*
- *Amend the golfing hours: 7AM to 8PM daily.*
- *Establish restaurant hours as 11am-10pm during the golf season and in the “off-season or year-round” from Tuesday – Thursday 11 AM – 8 PM; Friday and Saturday 11 AM – 9 PM.*
- *Establish the Island View Golf Club employee count as approx. 95 persons during peak golfing season. The restaurant employs about 40 persons.*
- *Increase the number of food and beverage delivery trucks to three weekly.*
- *Allow for the ability to move up to 10,000 cubic yards of material as part of ongoing golf course maintenance and periodic tee, bunker and fairway renovations.*

Hart used an aerial map to illustrate the main improvements on the property as:

- A 13,640-square-foot bar/restaurant, pro shop, banquet room, meeting rooms and offices
- A 9,680-square-foot structure used for equipment repair
- A 7,344-square-foot cart storage shed
- 960-square-foot fertilizer shed
- 180-square-foot grill/turn shack (built in 2017)
- A 135-space parking lot for members, guests and restaurant patrons, with a 40-space parking lot for employees

Hart noted the condition for adequate fencing to deter trespassing on adjacent property. The application narrative describes the current perimeter fencing and screening in place. He stated the Zoning Code allows flexibility for the County Board to waive this requirement for golf courses existing prior to adoption of the requirement. There have been no reported incidents of trespassing onto neighboring properties, indicating the current fencing appears to be adequate. Lori Brinkman, Carver County Senior Environmentalist, stated in an email dated February 25, 2026: *"Island View Golf Club is required to adhere to a SSTS Operating permit. The operating permit is expired; therefore, the septic system is non-compliant. Island View Golf Club is required to meet previously determined wastewater monitoring requirements specified in their SSTS Management Plan and Operating Permit. Wastewater samples must be collected by a licensed Service Provider and submitted to Carver County to verify that the septic system is operating within required parameters. Island View Golf Club is also required to enter into a valid contract with a licensed SSTS Service Provider."* The proposed construction will require SSTS permits. No building permits will be issued prior to SSTS compliance. Mr. Cole submitted an email stating a licensed SSTS service provider is on contract and will inspect the current system as soon as weather allows. The golf course is located within the Minnehaha Creek Watershed District (MCWD). Maggie Menden, MCWD Permitting Technician reviewed the application and responded with an email dated February 25, 2026, saying: "As mentioned in the application, a MCWD permit will likely be required for the proposed work. We encourage the applicant to reach out to MCWD ([permitting@minnehahacreek.org](mailto:permitting@minnehahacreek.org)) to further discuss the project before submitting an application." Abigail Ernst, CCWMO Water Resources Program Analyst, concurred that the proposed construction is within the MCWD jurisdiction and their permitting requirements would apply to this request. Tom Genelin, SWCD District Technician, made the following comments after reviewing the proposed plans:

- *The provided plans do not include a legend to identify what some of the hatch marks are illustrating. If the hatch marks on sheet A2.0 are identifying that area as disturbed, it looks like it would be over one acre. The MPCA requires the owner or operator for any construction activity disturbing one or more acre of soil to obtain a Construction Stormwater Permit. Could they quantify the area being disturbed?*
- *No perimeter control shown on the downgradient perimeter of the proposed disturbance on sheet A2.0.*

The application materials were sent to the cities of Waconia, Victoria, and Minnetrista for comment. Lane Braaten, City of Waconia Development Director, and Brian McCann, Victoria City Planner, indicated they had no comments about the application. No information was received from the City of Minnetrista. The Laketown Town Board reviewed the CUP request at their February 23, 2026, meeting and recommended approval with the following comment: *“Board unanimously recommends approval of the request to construct 2 permanent structures with bathrooms on the golf course. The Board did not take a position on the hauling of dirt as it is being hauled from one location to another on the same parcel and would not be using township roads. Board requests IVGC to provide written clarification in reference to the other updates (items 5-8 specifically) outlined in the narrative request included with this CUP application. This written information is requested to be shared to both the Township and the County if it is to be included in this CUP application, and the Township will utilize the comment period at the 03/17/26 meeting for any further recommendations so as to not delay this application. (current CUP versus proposed).”* The Township Board placed a resolution on its March 9, 2026, meeting agenda affirming that Island View Golf Course is in conformance with the Comprehensive Plan, as required by the County Zoning Code. A copy of the resolution was provided to each Planning Commission Board member. Hart read the proposed conditions for consideration if the Planning Commission recommends approval of the request. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the County Zoning Code should be clearly referenced.

Chairman Kerber asked the applicants if they had anything to add to the report.

Jeff Hoxie & Allen Cole replied the report was accurate.

Mielke stated the Laketown Township Resolution, which was distributed to the Planning Commission and made available to the public, should be entered into the official meeting record.

Chairman Kerber asked the applicants if they agreed with the proposed conditions of the permit.

The applicants stated they do agree with the proposed conditions.

Peter Parris, Laketown Town Board supervisor, stated the applicants met with the Town Board and answered their questions. He confirmed the Town Board recommendation for approval of the request.

Chairman Kerber opened the public hearing for public comments.

No one was present for public comments on this request.

A motion was made by Wakefield to close the public hearing. The motion was seconded by Hoese. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:30 p.m.

Wakefield made a motion to **approve and adopt Resolution #26-04** incorporating the findings of fact and staff recommendations, noting the SSTS compliance requirement, in allowing for a Large-Scale Activity/Golf Course expansion amendments. Polunc seconded the motion for approval. All voted aye. Motion carried.

**File #PZ20260004 – Andrea Rand/Oakwood Community Church** – Chairman Kerber called the public hearing to order at 7:17 p.m. to consider a request by Andrea Rand for Oakwood Community Church. The purpose of the public hearing was to consider a request for a Large-Scale Activity/Church expansion pursuant to Chapter 152 of the County Zoning Code. The property is in Section 30 of Laketown Township.

The following were present: Amanda Thomas, Jon Tolly, Pete Parris, Zach Taylor, Steve Hilk, Chase Nordick

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated March 2, 2026

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated March 5, 2026, and all attachments.

Hart stated Oakwood Community Church owns approximately 20.51 acres improved with a church building and parking lot area. Amanda Thomas, with ISG Architects, is assisting the church in requesting a CUP amendment to increase the size of the church structure with a 6,153-square-foot addition to the building and increasing the parking lot with an additional 51 parking spaces. The building expansion would result in a total building size of approximately 23,156 square feet, which would include a new 5,909-square-foot sanctuary with 500 seats and an adjacent 27-seat family room. The former sanctuary would be converted into a 4,142-square-foot commons and café area. The remaining 13,105 square feet would include office space, classrooms, administrative areas, storage, a commons area, renovated lobby space and bathrooms. Hart displayed photos to illustrate the existing and proposed expansion areas. The height of the new addition would be approximately 26.5 feet, which complies with the maximum 35-foot structure height. The expanded parking lot area would accommodate 180 vehicles and include a designated school bus drop-off area. No accessory buildings or outdoor storage are proposed. Sunday morning services are held between 8:00 AM and 11:30 AM. The church also holds evening meetings on Sunday, Monday, Wednesday and Thursday. Office staff are on-site Monday through Thursday, between 9:00 AM and 4:30 PM. Worship services, weddings, meetings and other activities may also occur during the week and on Saturdays. Currently, the church employs five people, of whom three are part-time. The site plan shows the building layout and the exterior lighting with three additional luminaires mounted on new light poles. The Photometric Plan shows expected illumination levels and appears to comply with Zoning Code standards. The planting plan illustrates proposed landscaping, including foundation plantings and rows of red maple trees within the parking lot island and long the perimeter of the expanded parking area. The narrative describes approximately 176 trips to and from the site Monday through Thursday, and 728 trips on a typical Sunday. The proposed 180-space parking lot exceeds the required 175 spaces based on the Zoning Code

standards for the 527-seat main assembly hall. Access to the site would remain from Klein Dr. Lori Brinkman, Carver County Senior Environmentalist, reviewed the application materials and responded in an email dated February 25, 2026, stating: *“Oakwood Church phase I construction identified an area for future SSTS expansion. SSTS permit SP20140101 includes preliminary SSTS design information for the proposed church expansion. A licensed SSTS designer will need to submit updated plans for SSTS expansion which accommodates the proposed use.”* A CCWMO permit is required for the project, and all stormwater management standards must be met. Erosion control and stormwater permit applications have been submitted to the CCWMO. The CCWMO permit will be issued after all other required permits are secured and the required surety is submitted. There is no change in signage proposed with this application. The City of Waconia reviewed the application and Lane Braaten, Community Development Director, stated he has no comments about the project. The Laketown Town Board reviewed the request at their March 9, 2026, meeting, and submitted their recommendation for approval. Hart read the conditions for consideration if the request is recommended for approval. If the Planning Commission recommends denial of the request, the deficiencies found in Section 152.251 of the County Zoning Code should be clearly referenced.

Chairman Kerber asked the applicants for any additional information or comments.

Amanda Thomas and Jon Tolly stated they had no additional comments.

Chairman Kerber asked the applicants if they agreed with the proposed conditions of the permit.

The applicants confirmed they agree with the proposed conditions.

Peter Parris, Laketown Township supervisor, stated there was good discussion with the applicants about the plans and he confirmed the Township Board recommendation for approval of the request.

Chairman Kerber opened the public hearing for public comments.

No one was present for public comments on this request.

A motion was made by Hoese to close the public hearing. The motion was seconded by Wakefield. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:41 p.m.

Wakefield asked about the direction for water runoff on the property with the increase of impervious surfaces.

Amanda Thomas stated the water leaves the site and flows into the ditch on County Rd 10. When the initial ponds were designed and constructed, they were designed for future expansions, which is more than this project indicates.

Steinhagen made a motion to **approve and adopt Resolution #26-05** incorporating the findings of fact and staff recommendations in allowing for a church expansion. Hoese seconded the motion for approval. All voted aye. Motion carried.

\*Scott Hoes removed himself from the Planning Commission board and seated himself as the applicant representing Watertown Township for the following public hearing request.

**2040 Comprehensive Plan Amendment - Watertown Township** – Chairman Kerber called the public hearing to order at 7:45 p.m. to consider a request by Watertown Township. The purpose of the public hearing was to consider a request for an amendment to the Watertown Township chapter of the 2040 Comprehensive Plan concerning solar energy developments pursuant to Minnesota State Statute Chapter 473. This would include all property within Watertown Township.

The following were present: Scott Hoes, Lou Longhenry

The following items were entered into the record:

Exhibit A – Proof of Publication of the Hearing Notice

Exhibit B – Proof of Mailing of the Hearing Notice

Exhibit C – Watertown Township Zoning Ordinance dated November 7, 2022

Exhibit D – Staff Report addressed to the Planning Commission and Watertown Township Board dated March 5, 2026, and all attachments.

Kristen Larson, Carver County Planning and Water Management Planner, stated Watertown Township initially adopted a solar ordinance on July 6, 2021. An updated ordinance was adopted by the Township on November 7, 2022, requiring that large solar energy developments be on owner-occupied land. This requirement is more restrictive than the requirements in the Carver County Zoning Code for large energy production systems. Carver County has been the planning and zoning authority for all townships in the County since 1976. In February 2020, Carver County adopted the 2040 Comprehensive Plan, which includes a chapter for land use and other policies selected by each township. Per Minnesota State Statute, Chapter 462, townships in Minnesota have the authority to enact their own zoning ordinances. Township Ordinances must align with County Ordinances and may be more restrictive than County Ordinances. Such ordinances must be adopted by a vote of the Township Board. Per Minnesota State Statute Section 473.865, “a local governmental unit shall not adopt any official control or fiscal device which conflicts with its comprehensive plan.” Because the currently adopted Watertown Township Chapter does not include any policies relating to solar development, the Township must amend its chapter of the 2040 Plan to acknowledge its solar ordinance and this change in land use policy. On December 1, 2025, Watertown Township passed Resolution #12-1-2025 requesting that Carver County add a policy referencing the township’s solar development ordinance to the Watertown Township Chapter of the 2040 Plan. Larson referenced Minnesota State Statute Chapter 473 and outlined the process and timeline for review and approval for a Comprehensive Plan Amendment. The township ordinance creates a dual land use approval process for a landowner who wishes to pursue a large-scale solar operation. Applicants will need to receive approval from both Watertown Township and Carver County. The Township is requesting that the County move forward with the Comprehensive Plan Amendment process and release the proposed amendment to the Watertown Township Chapter to adjacent communities for review. County staff have prepared the draft update of the Watertown Township Chapter of the 2040 Comp Plan to include the following statement, “The Watertown Township Zoning Ordinance has been adopted to regulate solar development within the township and requires large scale solar developments to be placed on owner occupied land.” The County cannot enforce this requirement as the County Zoning Code does not require large energy production systems to be placed on owner occupied land. Applicants proposing large energy production systems must obtain

approval from both the Township and Carver County. The dual land use ordinance approval process creates a confusing and cumbersome circumstance for any applicant. There are not any other land use approvals in the County that require this dual approval process. The Township has established a Planning Commission and created an application process. A situation could arise where the Township denies an application because the siting criteria for its ordinance are not met, but the County approves an application for a large energy production system because all requirements of the County's Zoning Code have been met. The Township could choose to modify their ordinance to assume all approvals for large scale solar application which would eliminate this dual process.

Paul Moline, Carver County Public Services Deputy Director, reiterated the difficulties with the dual land use process and implementation of the dual ordinance process. He read the proposed condition for consideration if the Planning Commission would recommend approval to release the Watertown Township Chapter of the 2040 Comp Plan for adjacent community review. If the Planning Commission recommends denial, the following recommendation could be provided to the township: *The Township should adopt an ordinance that assumes full control of large-scale solar land uses which would eliminate a dual land use approval process.* Moline noted copies of the proposed township ordinance were made available at this meeting. He highlighted some of the proposed elements that allow the township to regulate additional items beyond the owner-occupied land constraint. It would be recommended that the language be changed to remove the additional items of control. Moline encouraged discussion and consideration that the dual approval process created by the proposed amendment for the same land use may cause confusion for the applicant. Often times approvals are required from other entities which are related to an applicant's request, but it stems from a different part of the ordinance and not for the same land use. Moline recognized that the County has been the land use authority for the townships for decades and stated this might be changing the path for other townships to want more restrictions on other issues within their township. The request was reviewed by the Attorney's Office who confirmed the process was legal and meets Minnesota State Statute requirements that townships can be more restrictive than the County. He stated this would create a unique situation for Carver County.

Polunc asked what requirements determine a 'large-scale' solar energy development.

Mielke explained there are two different types of solar energy requests; small (SES) solar is for personal use, often rooftop on existing buildings or stand-alone ground-mount panels, and large scale solar is generally community solar gardens. The small-scale projects only require a building permit, and the large-scale projects go through the Conditional Use Permit process. There is a cap of 1 Megawatt for the size of large-scale project. Initially, the PUC had set a size limit of 5 MW and Carver County added restrictions in 2017 on setbacks to houses, property lines, separation distances from other energy producing facilities, and chose to cap the maximum size at 1 MW. There are currently 17 solar gardens in Carver County and 1 large State site.

Fahey asked how many of the existing sites are 5 MW sites.

Mielke guessed there were 4 or 5 sites that were created larger than 1 MW prior to 2017.

Chairman Kerber asked the applicant if he had any additional information or comments.

Scott Hoese, speaking as Watertown Township supervisor, stated they have adopted one solar garden since their ordinance and Planning Commission were established. He also mentioned they had another application for a 1 MW solar site from a property owner who lived about 15 miles away, which was eventually withdrawn after legal advice suggested pursuing a lawsuit would likely not have gained a favorable result for the applicant. Hoese stated the Township felt confident that their ordinance would have been upheld.

Chairman Kerber asked if there are any concerns that this request could be precedent setting for other townships to want to restrict large-scale activities or any other issues in their township.

Mr. Hoese didn't perceive this as an opportunity to open up issues in other townships. He stated he hoped that working with staff on crafting the best language to meet their satisfaction with this item would resolve their issue.

Moline speculated that some other townships might do something similar to this for their township situation. He stated the possibility exists that other townships could also choose other land uses in the ordinance for standards to be more restrictive. This is definitely unknown at this time.

Mr. Hoese also noted their township has an ordinance on feedlots which were adopted many years ago within is more restrictive than the County Zoning Code for specific areas within their jurisdiction.

Steinhagen asked if other townships agreed to adopt the language into their comp plan that Watertown township is proposing, would the process for them be different because this has already been established.

Moline explained the process and noted this request was a little different because Watertown township already has adopted an ordinance and is now making changes to the originally adopted language. He added that San Francisco Township wanted to be more restrictive with gravel mining and adopted their own ordinance. The County does not have authority over gravel mining in San Francisco Township. He stated the Comp Plan offers each township the opportunity to choose different options for other issues such as residential density, building eligibility transfers, golf courses, and feedlots, to name a few.

Mielke replied specifically to Steinhagen's comment and stated that this request is only for Watertown Township. Any other township making a request for change would follow the same process of amending the Comp Plan.

Steinhagen clarified that if a township wanted to make changes to their chapter concurrent with the new County Comp Plan being updated, would the changes to their chapter be included with the entire Comp Plan adoption, or would it require separate public hearings for each township.

Moline clarified that if the township changes coincided with the Comp Plan process, it would become a part of that entire County Comp Plan adoption. After the County Comp Plan is adopted, the township has a 9-month period in which to draft and adopt their own ordinance for additional restrictions on an issue.

Wakefield asked the applicant if the township as the road authority has additional requirements for road maintenance with construction of solar gardens.

Mr. Hoese stated they have not established additional requirements for road maintenance and repair but defer to the County's standards.

Mielke confirmed that the County is still the land use authority for the townships. In this case, Watertown Township is asking for a requirement that is not recognized by the County Zoning Code, which creates the need for the dual approval process because the township would be the authority to enforce that specific requirement.

Chairman Kerber asked for confirmation that this would be the same for all townships who might want to require more restrictive guidelines.

Mielke stated that is how he understands the enforcement.

Moline stated that if the townships agreed to the same language, it could ultimately become a new land use policy for the County Zoning Code.

Polunc asked who becomes the ultimate authority for this particular request.

Mielke stated the County Board is the authority that approves or denies a permit. The Township and Planning Commission provide their recommendation, and the County Board makes a decision.

Moline agreed that the County Board is the land use authority that would support the County Zoning Code and if a request met all the County requirements, it is approved. The Township would be responsible for enforcement of their specific restrictions outside the County Code.

Fahey referred to Mr. Hoese's previous example of an applicant who was heading toward the direction of suing the township because he was able to meet the County requirements and asked why the application was withdrawn.

Mr. Hoese stated they had legal counsel that felt their ordinance would be upheld in this request and the applicant must have felt that he was not going to receive a ruling in his favor. Hoese stated the township recognized they have a lot of land which is owned by persons not living in the area and this prompted their decision to create the more restrictive ordinance requirement for solar developments to be owner-occupied.

Fahey felt their discussion was productive and asked if the considerations could be specifically defined as to the action that is required by the Planning Commission about this request.

Chairman Kerber stated the Board has had good discussion with the applicant and staff and wanted to open the public hearing for comments before any action is taken. He opened the public hearing for public comments to be heard.

Louis Longhenry, 17915 Kelly Lake Rd, stated he is on a citizen's advisory board from San Francisco Township, and they are interested in following this discussion to see if they want to adopt something similar. He asked about the owner-occupied land and what happens to the solar development when the landowner moves away or passes away. Is there a requirement for disassembling or removal of the solar array.

Mr. Hoese stated their owner-occupied requirement pertains to the initial construction and development of the site and there is no specific plan or requirement after the owner moves or passes away.

Chairman Kerber asked if the CUP for the solar development runs with the owner for a fixed time period.

Mielke clarified that a CUP runs with the land and not the owner. The County issues a Conditional Use Permit for solar developments because of the long lease agreement, usually twenty-five years, with the landowner. Watertown Township issues an Interim Use Permit for their owner-occupied solar developments. The County issues a CUP because the infrastructure is in place, and it allows a new owner to complete an existing lease contract or another solar company to purchase and continue with the existing operation.

Wakefield read language from the Watertown Township ordinance which states: *Interim Use Permit shall terminate upon the occurrence of any of the following events (F) at such time as the owner of the property on which the Interim Use Permit was issued, no longer uses the property as his or her primary residence.* He alleged this means that the permit becomes null and void.

Steinhagen asked if an applicant meets all the requirements for the dual approval process and a solar development is constructed, what happens if one element of the township conditions is not met. The County is the primary land use authority, and the CUP runs with the land and is still in full compliance.

Mielke stated the enforcement for the township ordinance is the responsibility of the township. And the County's CUP will not be affected if a township requirement is not met. He speculated a legal battle could arise over this dispute.

Wakefield questioned if the township could allow a variance to correct the issue.

Hoese agreed and acknowledged they have issued a variance in the past with another request.

Mielke stated the emphasis was to clarify language for owner-occupied land. If the township wants to regulate more specific conditions, it might be better for them to administer the ordinance for all large-scale solar requests.

Steinhagen asked for the township's opinion about narrowing the requirements to clarify owner-occupied lands and forego the other specific conditions.

Mr. Hoese stated the board would certainly review the possibility and decide if it would satisfy their intent.

Mr. Longhenry felt the change of ownership question was not resolved.

Chairman Kerber stated that is something that the township would need to work with staff to clarify the ordinance language.

Mr. Longhenry stated San Francisco Township would be interested to follow this amendment resolution and may consider revising or adopting it for their Comp Plan chapter.

Steinhagen thought all the townships would be interested to know about the changes.

Wakefield agreed with Steinhagen and stated the ordinance was well-written.

Hoese noted the list of policies unique to Watertown Township and mentioned the high-amenity additional density option. He stated not all townships have adopted that option.

Mielke clarified the additional density options have uniform specific standards across the County and each township has the option to adopt the one(s) that fit best into their township plan. The difference with this amendment is additional criteria are required beyond the County's policy, which make this specific to the Watertown Township ordinance. And he reiterated that enforcement of specific standards becomes the township's responsibility.

Wakefield asked if it would be appropriate to continue this public hearing to a future date.

Hoese asked for clarification on the next steps that need to be taken.

Moline stated cleaning up the ordinance language, which was reflected in the request, referring to things other than the owner-occupied issue. He also asked if the public hearing is continued, what specific additional information does the Planning Commission need to make a recommendation.

Wakefield stated he would like to share this with his township board before making a decision on the request.

Mielke noted this request is specific to Watertown Township and not for all townships. That information or discussion might be for a future amendment or as a part of the 2050 Comp Plan updates.

Moline stated the Planning Commission's decision is on the language shown in red for Land Use Policy 11 and whether to recommend or deny the amendment to the County Board.

Mielke confirmed that discussion by other townships is fine, and changes can be made concurrently with the planning of the 2050 Comp Plan, or each individual township will need to appear to request an amendment to their chapter of the 2040 Comp Plan.

A motion was made by Wakefield to close the public hearing. The motion was seconded by Steinhagen. Chairman Kerber called for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 8:33 p.m.

Hoese stated the township would continue to work with Paul Moline and Kristen Larson to draft appropriate language concerning the owner-occupied standard.

Wakefield made a recommendation to allow Watertown Township to amend their ordinance to narrowly focus only on the owner-occupied requirement and remove any other conditions/consideration and approve release of the proposed plan amendment for adjacent community review. Planning and Water Management staff will provide comments to the township on recommended changes. Steinhagen seconded the recommendation. All voted aye. The recommendation is approved.

### **Adjournment**

A motion was made by Fahey and seconded by Polunc to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:43 p.m.